

BILL NO. S-67-08-05

SPECIAL ORDINANCE NO. S- 517-67

AN ORDINANCE approving Sewer Agreement between PACIFIC COAST REALTY OF INDIANA, and the CITY OF FORT WAYNE, INDIANA for construction of a sanitary sewer in the area of State Road # 3 and Ley Road for the Weather-~~Title~~ Co.

WHEREAS, on the 24th day of July, 1967, the City of Fort Wayne, by and through its Mayor and the Board of Public Works, entered into an agreement with PACIFIC COAST REALTY OF INDIANA, hereinafter referred to as Developer, concerning the construction of a sanitary Sewer to service real estate owned by Developer, in accordance with the plans, specifications and profiles submitted to the City and now on file in the office of the Chief Engineer of the Sewer Utilities of the City of Fort Wayne, and are incorporated herein by reference and made part hereof, which sewer will serve not only land in which Developer has an interest but also adjoining land areas.

WHEREAS, the cost of construction of said sewer shall be at the entire expense of the Developer, which agrees to hold the City Harmless from any liability for claims connected therewith.

WHEREAS, said sewer when accepted by the City will be as follows:

Commencing at an existing manhole on the North side of Ley Road, a public thoroughfare in Section 23, Township 31 North, Range 12 East, Allen County, Indiana, said manhole being more particularly located as follows: 2305 feet South 87 degrees 57 minutes West and 25.0 feet North of the Center of said Section 23; said sewer thence continuing East, along the North side of Ley Road, 140.0 feet; thence South 105.0 feet, and there terminating at a manhole.

WHEREAS, the Developer, for itself, its successors in title and assigns, waives and releases any and all rights which it may now or hereafter have to remonstrate against or otherwise

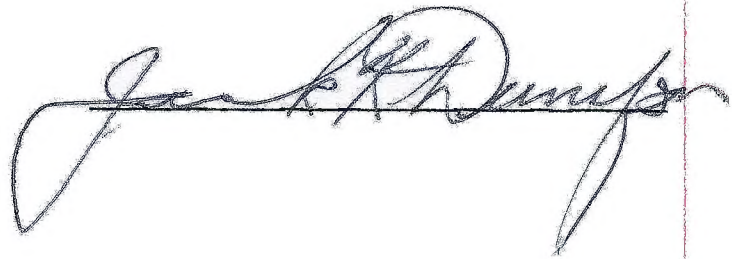
object to, interfere with or oppose any pending or future annexation by City of any territory now or hereafter owned by it as described above, or hereafter served by said sewer or any extension thereof.

Any owner or owners of land which is now or hereafter located outside the corporate limits of City who connect into the sewer constructed hereunder shall be deemed to thereby waive his, her, their or its rights to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of such land or of the territory in which it is located or of the land served by said sewer.

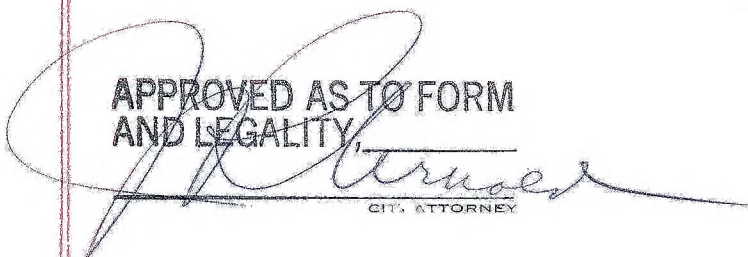
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement between the City of Fort Wayne and PACIFIC COAST REALTY OF INDIANA, concerning the construction of a sanitary sewer in the area of State Road # 3 and Ley Road, which is on file in the office of the Board of Public Works, and is by reference made part hereof, is hereby ratified, confirmed and approved, and the construction of said sewer in accordance therewith is hereby approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Bill No. S-67-08-05

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance

approving Sewer Agreement between PACIFIC COAST REALTY OF INDIANA, and the
CITY OF FORT WAYNE, INDIANA for construction of a sanitary sewer in the area of
State Road # 3 and Ley Road for the Weather-Tite Co.,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 20 PASS.

JACK K. DUNIFON, Chairman

JOHN H. ROBINSON, Vice-Chairman

JOHN NUCKOLS

WILLIAM T. HINGA

HERBERT G. TIPTON

Jack K. Dunifon
John H. Robinson
John Nuckols
William T. Hinga
Herbert G. Tipton

8-22-67

Read the first time in full and on motion by Bunifon seconded by Buchanan and duly adopted, read the second time by title and referred to the (Committee on) Utilities (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 8/8/67 Fred S. Bonahoom CITY CLERK
Read the third time in full and on motion by Bunifon seconded by Bunifon and duly adopted, placed on its passage.

Passed (~~unanimously~~) by the following vote:
AYES _____, NAYS 1, ABSTAINED _____, ABSENT 1 to-wit:
Buchanan _____
Dunifon _____
Fay _____
Hinga _____
Nuckols _____
Robinson _____
Rousseau _____
Steigerwald _____
Tipton _____
Date 8-22-67 Fred S. Bonahoom CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. I-517-67 on the 22nd day of Aug, 19667.
ATTEST: (SEAL) Fred S. Bonahoom CITY CLERK Chas J. Korman PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of Aug, 19667 at the hour of 10:00 o'clock A.M., E.S.T.
Fred S. Bonahoom CITY CLERK

Approved and signed by me this 23rd day of August, 1967, at the hour of 1:40 o'clock P.M., E.S.T.
Harold S. Zeis MAYOR